

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Civil No. 07-174(2) (JRT/JJG)

Plaintiff,

v.

**ORDER GRANTING MOTION FOR
REFUND OF FILING FEE**

DERRICK JEROME SPENCER,

Defendant.

Jeffrey S. Paulsen, William J. Otteson, and James S. Alexander, **UNITED STATES ATTORNEY'S OFFICE**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, for plaintiff.

Richard S. Virnig, **VIRNIG & GUNTHER PLLC**, 10 South Fifth Street, Suite 700, Minneapolis, MN 55402, for defendant.

On August 7, 2009, defendant Derrick Spencer filed a motion for refund of a filing fee paid for his appeal, (Docket No. 331), asserting that the fee was inadvertently paid after Spencer was granted *in forma pauperis* status.

Based on the foregoing, all the records, files, and proceedings herein, **IT IS HEREBY ORDERED** that Spencer's Motion for Refund of Filing Fee [Docket No. 331] is **GRANTED**. It is **FURTHER ORDERED** that the filing fee should be refunded directly to Spencer's counsel, Richard S. Virnig, at 10 South Fifth Street, Suite 700 Minneapolis, MN 55402.

DATED: August 10, 2009
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge